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SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202			EXAMINER PARTHASARATHY, PRAMILA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,730

Applicant(s)

DAILY ET AL.

Examiner

PRAMILA PARTHASARATHY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-31 is/are rejected.
- 7) ☒ Claim(s) 6, 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is in response to the communication filed on March 27, 2008. Claims 1– 31 were previously presented. No new claims were added. Claims 1 – 31 are pending.

Response to Arguments

2. Applicant's remarks filed on 03/27/2008 have been fully considered.

Examiner maintains double patenting rejection and further requests filing of Terminal disclaimer to overcome the obviousness-type double patenting rejection.

Applicant's arguments with respect to claim objections with respect to Claims 9 and 10 are persuasive and Examiner withdraws claim objections for claims 9 and 10.

Applicant directs to instant specification pages 12 (last paragraph) and 20 (first paragraph) for support for "differing input structures can be embedded within one another" and "no external tag is supplied to the parser with the input string". Examiner agrees, however, Applicant is claiming "the input stream is free of embedding tag" and the instant specification does not provide any support wherein the input stream is free embedding tag. Examiner requests to clarify the limitation "free of embedding tag" and further requests amending the claims. Examiner maintains the 35 USC 112 First paragraph rejection.

As per 35 USC 112 Second paragraph rejection, Claim 26 recites to depend on both Claim 20 and claim 23 (from two different claims set) and does not particularly point out or distinctly claim the subject matter. Examiner maintains the rejection and requests amending the claims.

Applicant agrees that Johnson (U.S. Publication 2002/141449) discloses a method for parsing a bit stream including multiple data formats, a set of parsers and parser-selection and invocation capabilities for handling parsing of multiple data formats. However, Applicant presents similar arguments that were already addressed in the previous office action. Examiner

respectfully asserts that the cited prior art (see details of rejection below), does teach or suggest the subject matter broadly recited in amended independent claims. The dependent claims are rejected at least by virtue of their dependency on the dependent claims and by other reason set forth in this office action.

Examiner on further review of the dependent claim 6 and 7 limitations (as depicted in Fig. 4 – 6), suggests that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims as they are suggested by the cited prior art.

Allowable Subject Matter

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 – 31 rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 – 11 of U.S. Patent No. 6,374,261. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant case, all elements of claims 1 – 31 correspond to the claims of 1 – 11 of the patent claims, except in the instant claims the elements “a plurality of parsers operable to parse an input stream, each parser corresponding to a unique input structure; and a parser selection agent operable to receive the input stream, wherein the input stream comprises a plurality of differing input structures and wherein the selected subset of parsers produce multiple parser outputs corresponding to the plurality of differing input structures” and “an encoding agent operable to convert the multiple outputs to a common grammar”, are referred in the patent claims as “analyzing the information of the identified types by executing an intelligent filter that uses heuristics to identify therein items of information for storage in the knowledge database; a plurality of predefined types of information ..”, “checking an identified item of information for consistency between a plurality of identified types of information”, “parsing the information of a said identified type by executing said intelligent filter that uses keyword-based or phase-based heuristics”. Further more, the instant claim limitation “a plurality of parsers operable to parse an input stream, each parser corresponding to a unique input structure” is referred to patent claim limitations “the subject comprises a plurality of targets of the expert system, determining from an extracted item which ones of the plurality of targets the file pertains to; creating a separate database record for each of the ones of the plurality of the targets and storing each of the created database records in the knowledge database”. Thus the patent claims encompass amended instant claim limitations.

Claims of the instant application are anticipated by patent claims in that the patent claims contains all the limitations of the instant application. Claims of the instant application

therefore is not patentably distinct from the earlier patent claims and as such are unpatentable for obvious-type double patenting (*In re Goodman (CAFC)* 29 USPQ2d 2010 (12/3/1993).

Claim Rejections - 35 USC § 112

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 12, 23 – 27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 12 and 23 recite “wherein the input stream is free of embedded tag indicating a source and/or input structure associated with the input stream ...” and “wherein each of a plurality of differently structured segments of the stream is free of an embedded tag indicating a corresponding computational source and/or input structure for the respective segment”. Instant specification does not disclose such embedded tag and Applicant’s remark does not provide any details as to where in the specification such support can be found.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 26 recites “wherein a parser performing the steps of Claim 20 is not provided by another computational entity...”. Claim 23 does not provide any computational entity for Claim

26 to further narrow Claim 23 with another computational entity. Examiner requests amending the claim to clearly recite the subject matter.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1 – 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (U.S. Publication Number 2002/0141449).

7. As per Claim 1, Johnson teaches "a plurality of parsers operable to parse an input stream, each parser corresponding to a unique input structure;

a parser selection agent operable to receive the input stream and select a subset of the plurality of parsers to parse the input stream, wherein the input stream comprises a plurality of differing input structures and wherein the selected subset of parsers produce multiple parser outputs corresponding to the plurality of differing input structures; and

an encoding agent operable to convert the multiple parser outputs to a common grammar (Summary and Paragraph [0037 – 0044])".

8. As per Claim 8, Johnson teaches " (a) receiving an input stream, the input stream comprising information defined by at least first and second input structures; (b) providing at least a portion of the input stream to each of a plurality of parsers, the plurality of parsers corresponding to differing sets of grammars; (c) receiving output from each of plurality of parsers (Summary and Paragraph [0037 – 0044]); and

(d) based on the outputs of the plurality of parsers, performing at least one of: (i) selecting a first output from a first parser that corresponds to the first input structure and a second output from a second parser that corresponds to the second input structure; and (ii) selecting a first parser corresponding to the first input structure to parse one or more first

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segments of the input stream and a second parser corresponding to the second input structure to parse one or more second segments of the input stream (paragraph [0044, 0047 – 0050 and 0120])).

9. As per Claim 23, Johnson teaches “receiving a stream of information, the stream being generated by one of a plurality of possible different computational sources, wherein each computational source generates a stream corresponding to a unique input structure and wherein each of a plurality of differently structured segments of the stream is free of an embedded tag indicating a corresponding computational source and/or input structure for the respective segment; comparing at least a portion of the stream with a set of tokens to provide a subset of tokens identified in the at least a portion of the stream (Summary and Paragraph [0037 – 0044]),

heuristically identifying, from among at least one of a plurality of possible input structures and a plurality of possible computational sources, at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120]), and

parsing the stream based on the identified at least one of an input structure and computational source (paragraph [0047 – 0050 and 0120])).

10. As per Claim 28, Johnson teaches “an input operable to receive a stream of information, the stream being generated by one of a plurality of possible different computational sources, wherein each computational source generates a stream corresponding to a unique input structure, and a parser operable to (a) compare at least a portion of the stream with a set of tokens to provide a subset of tokens identified in the at least a portion of the stream (Summary and Paragraph [0037 – 0044]);

(b)heuristically identify, from among at least one of a plurality of possible input structures and a plurality of possible computational sources, at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120]]); and

(c) parse the stream based on the identified at least one of an input structure and computational source, wherein the parser is not provided with an input structure identifier, other than the corresponding input structure itself, either in or external to the at least a portion of the input stream to identify or assist in the identification of the at least one of the respective input structure corresponding to the at least a portion of the stream and a computational source for at least a portion of the stream (paragraph [0047 – 0050 and 0120]]".

11. As per Claim 2, Johnson teaches "wherein the multiple parser outputs correspond to differing grammars (Paragraph [0049])".

12. As per Claim 3, Johnson teaches "wherein the parser selection agent and plurality of parsers are configured in a factory pattern and wherein the input stream comprises a plurality of messages having a plurality of headers comprising differing types of information (Paragraph [0049])".

13. As per Claim 4, Johnson teaches, "wherein the parser selection agent is operable to provide to a client, in response to a parse request, at least one of a parser output and an indication when at least some of the input stream is not successfully parsed and wherein the parser selection agent, prior to selection of the subset of parsers, is not informed in advance of the source or input structure associated with the at least some of the input stream (Paragraph [0049 – 0051])".

14. As per Claim 5, Johnson teaches "wherein the parser selection agent is operable to provide to a client, in response to a parse request, an error message when the parser selection

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agent is unable to identify one of the plurality of parsers to parse at least some of the input stream and when the parser selection agent is able to identify more than one of the plurality of parsers to parse at least some of the input stream (Paragraph [0049 – 0051])”.

15. Claim 6 is rejected by the virtue of its dependency on the above rejected parent claim 1.

16. As per Claim 9, Johnson teaches “wherein substep d(i) is performed (Paragraph [0049])”.

17. As per Claim 10, Johnson teaches “wherein substep d(ii) is performed (Paragraph [0049])”.

18. As per Claim 11, Johnson teaches “wherein the input stream comprises a plurality of nonstandardized headers (Paragraph [0049])”.

19. As per Claim 12, Johnson teaches “identifying one or more tokens in the input stream; and based on the identified one or more tokens, selecting the at least one of a plurality of parsers (Paragraph [0044])”.

20. As per Claim 13, Johnson teaches “determining for each of the at least one of a plurality of parsers whether a match or a no match condition exists, a match condition indicating that a selected parser has successfully parser a selected segment of the input stream and a no match condition indicating that the selected parser has not successfully parsed the selected segment of the input stream; and applying the following rules: when, for a parsed segment, only one match condition is found to exist, not generating an error message; when, for a parsed segment, a match condition is not found to exist, generating an error message; and when, for a parsed segment, multiple match conditions are found to exist, generating an error message (Paragraph [0045])”.

21. As per Claim 16, Johnson teaches “wherein the first parser produces a first output and the first output is a parse tree and further comprising: recursively evaluating at least some of the

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nodes in the parse tree to identify nodes requiring additional parsing (Paragraph [0044 – 0045])".

22. As per Claim 17, Johnson teaches "wherein the first parser produces a first output and the first output is a parse tree and further comprising: recursively examining at least some of the nodes in the parse tree to identify nodes of interest to a client (Paragraph [0049 – 0051])".

23. As per Claim 18, Johnson teaches "wherein the first parser produces a first output and the first output is a parse tree and wherein at least first and second nodes of the parse tree have differing formats and further comprising: iteratively traversing a plurality of the nodes of the parse tree to locate nodes of interest, the nodes of interest comprising the first and second nodes; and converting each of the located nodes of interest to a standard format (Paragraph [0044 – 0051])".

24. As per Claim 20, Johnson teaches "wherein each of the plurality of parsers corresponds to a unique set of tokens and grammar rules (Paragraph [0049])".

25. As per Claim 21, Johnson teaches "wherein each of the plurality of parsers corresponds to a unique set of attribute grammars (Paragraph [0049])".

26. As per Claim 22, Johnson teaches "A computer readable medium containing processor executable instructions to perform the steps of Claim 8 (Paragraph [0049])".

27. As per Claim 24, Johnson teaches "wherein the input stream comprises a plurality of headers, wherein the headers comprise differing types of information, wherein each of the tokens has a corresponding method expressing a set of syntactical and/or semantical relationships relating to the respective token and wherein the heuristically identifying step comprises: for each token in the subset of tokens, invoking a corresponding method (paragraph [0044, 0047 – 0050 and [0120])".

28. As per Claim 26, Johnson teaches "herein a parser performing the steps of Claim 20 is not provided, by another computational entity, with a flag external to the input stream to identify or assist in the identification of the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120]])".

29. As per Claim 27, Johnson teaches "A computer readable medium containing processor executable instructions to perform the steps of Claim 23 (paragraph [0044])".

30. As per Claim 29, Johnson teaches "wherein each of the tokens has a corresponding parser expressing a set of syntactical and/or semantical relationships relating to the respective token and wherein the parser is further operable, for each token in the subset of tokens, to (d) to invoke a corresponding method (paragraph [0044, 0047 – 0050 and [0120]])".

31. As per Claim 31, Johnson teaches "wherein the parser is not provided, by another computational component, with a flag external to the input stream to identify or assist in the identification of the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044 and [0120]])".

32. Claim 7 is rejected by the virtue of its dependency on the above rejected parent claim 1.

33. As per Claim 14, Johnson teaches "wherein a third parser successfully parses a first portion of the input stream to form a third output and the first parser successfully parses the first portion of the input stream to form a first output and further comprising: determining which of the first and third outputs most likely corresponds to the first portion (paragraph [0044, 0047 – 0050])".

34. As per Claim 19, Johnson teaches "wherein each of the first and second nodes use different characters to refer to a same type of event and further comprising:

converting the characters in the first and second nodes to a common set of characters to refer to the type of event (paragraph [0047 – 0050])".

35. As per Claim 25, Johnson teaches "wherein the comparing and heuristically identifying steps are performed using a declarative programming approach rather than a procedural programming approach, wherein the headers are nonstandardized, and wherein the invoking step comprises setting a set of flags a corresponding set of values depending on the presence or absence of a syntactical and/or semantical relationship; and wherein the values of the flags are used to heuristically identify the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120]])".

36. As per Claim 30, Johnson teaches "wherein the parser is further operable to (e) assign, by an invoked method, a set of flags a corresponding set of values depending on the presence or absence of a syntactical and/or semantical relationship, wherein the values of the flags are used to heuristically identify the at least one of an input structure corresponding to the at least a portion of the stream and a computational source for the at least a portion of the stream (paragraph [0044, 0047 – 0050 and [0120]])".

37. As per Claim 15, Johnson teaches, "wherein the determining step is performed using a least squares fit analysis and wherein step (d) is performed using a declarative programming rather than procedural programming approach(paragraph [0047 – 0050])".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRAMILA PARTHASARATHY whose telephone number is (571)272-3866. The examiner can normally be reached on 8:00a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pramila Parthasarathy/
Primary Examiner, Art Unit 2136
July 21, 2008